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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ABBOTT LABORATORIES, ABBOTT
DIABETES CARE INC., and ABBOTT
DIABETES CARE SALES CORPORATION,
Plaintiffs,

1:17-cv-03095-CBA-LB

v.

H&H WHOLESALE SERVICES, INC.,
HOWARD GOLDMAN, DAVID GULAS, and
JOHN DOES 1-10,

Defendants.

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE PURSUANT TO
THE HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING OF
EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS**

1. Sender	United States District Court for the Eastern District of New York
2. Central Authority of the Requested State	The District Court in The Hague (Rechtbank Den Haag) Team Administratie Civiel – Algemene Zaken Postbus 20302 2500 EH THE HAGUE Netherlands
3. Person to whom the executed request is to be returned	Milton Springut, Esq. Springut Law PC 45 Rockefeller Plaza, 20 th Floor New York, NY 10111 United States of America <i>ms@springutlaw.com</i> Counsel for Defendants
4. Specification of the date by which the requesting authority requires receipt of the response to the Letter of Request	August 6, 2018, or as soon as can be arranged /S/ Douglas C. Palmer, Clerk of Court
Date:	April 1, 2018 May
Reason for urgency:	Not Applicable

**IN CONFORMITY WITH ARTICLE 3 OF THE CONVENTION, THE
UNDERSIGNED APPLICATION HAS THE HONOR TO SUBMIT THE
FOLLOWING REQUEST:**

5. a. Requesting judicial authority (Article 3, a)	United States District Court for the Eastern District of New York 225 Cadman Plaza East Brooklyn, NY 11201 United States of America
b. To the competent authority of (Article 3, a)	The Netherlands
c. Names of the case and any identifying number	See above caption
6. Names and addresses of the parties and their representatives (Article 3, b)	
a. Plaintiff	Abbott Laboratories, Abbott Diabetes Care Inc., and Abbott Diabetes Care Sales Corporation
Representatives	c/o Geoffrey Potter, Esq. Timothy Waters, Esq. Patterson Belknap Webb & Tyler LLP 1133 Avenue of the Americas New York, NY 10036 <i>gpotter@pbwt.com</i> <i>twaters@pbwt.com</i> Counsel for Plaintiffs
b. Defendant	H&H Wholesale Services, Inc., Howard Goldman, and David Gulas
Representatives	Milton Springut, Esq. Tal S. Benschar, Esq. Springut Law PC 45 Rockefeller Plaza, 20 th Floor New York, NY 10111 <i>ms@springutlaw.com</i> <i>tbenschar@springutlaw.com</i> Counsel for Defendants
c. Other parties	None
Representatives	

7. a. Nature of the proceedings (divorce, paternity, breach of contract, product liability, etc.) (Article 3, c)	Trademark infringement case
b. Summary of complaint	Abbott Laboratories alleges that its owns five registered trademarks in connection with glucose test-strips used for diabetes patients, and that Defendants infringed these trademarks through the sale of counterfeit products bearing these trademarks. Abbott Laboratories further alleges that this infringement was willful and in bad faith, and that it was damaged by these activities.
c. Summary of defense and counterclaim	Defendants deny that they acted in bad faith. Their source for the goods at issue was a Netherlands corporation named Kamstra International B.V., a division or affiliate of another Netherlands corporation named Holland Trading Group B.V.
d. Other necessary information or documents	
8. a. Evidence to be obtained or other judicial act to be performed (Article 3, d)	Testimony of two individuals named below. The individuals are managerial employees of Kamstra International and/or Holland Trading Group and have knowledge of its sales of the allegedly counterfeit goods at issue to Defendants, and negotiations and other communications concerning these sales.
b. Purpose of the evidence or judicial act sought	Use in judicial proceedings, including at trial.
9. Identity and address of any person to be examined (Article 3, e)	<p>Pieter Bottenberg BU Directeur Health & Beauty Holland Trading Group B.V Rondeboslaan 35, Delfzijl Groningen, Netherlands</p> <p>Jeroen Erents Area Sales Manager Holland Trading Group B.V Rondeboslaan 35, Delfzijl Groningen, Netherlands</p>

10. Questions to be put to the persons to be examined or statement of the subject- matter about which they are to be examined (Article 3, f)	It is requested that the authorities in the Netherlands permit counsel for the requesting parties to question the persons to be examined, by leading and non-leading questions, about the issues in the pending case in the United States.
11. Documents or other property to be inspected (Article 3, g)	None.
12. Any requirement that the evidence be given on oath or affirmation and any special form to be used (Article 3, h)	It is requested that the witnesses be placed on oath or affirmation on penalty of perjury.
13. Special methods or procedure to be following (e.g., oral or writing, verbatim, transcript or summary, cross-examination, etc.) (Articles 3, i) and 9)	<p>It is requested that the examination be orally and by counsel for the parties, by both leading and non-leading questions. It is requested that the examination be recorded by videotape by a videographer. It is further requested that the examination be transcribed by a stenographer, who shall produce a transcript of the questions and answers. All costs for same to be borne equally by the requesting parties.</p> <p>It is further requested that each witness be examined for two days, one day each for questioning by the requesting parties' counsel. Each day shall consist of no more than 7 hours of questioning.</p>
14. Request for notification of the time and place for the execution of the Request and identity and address of any person to be notified (Article 7)	To the parties' counsel as listed above in Section 6. If possible, it is requested that notice be given by email at the addresses listed in Section 6.
15. Request for attendance or participation of judicial personnel of the requesting authority at the execution of the Letter of Request (Article 8)	No specific request is made for attendance of judicial personnel, other than counsel for the parties, who under United States law are officers of the Court.

16. Specification of privilege or duty to refuse to give evidence under the law of the State of origin (Article 11, b)	No specific requests. The requesting parties presumes that the Netherlands will apply its own privilege law, if any.
17. The fees and costs incurred which are reimbursable under the second paragraph of Article 14 or under Article 26 of the Convention will be borne by	To be equally borne by the requesting parties, including, without limitation, costs of translator services, if needed, and of stenographic recording.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
225 Cadman Plaza East
Brooklyn, NY 11201
United States of America

Douglas C. Palmer, Clerk of the Court

/S/ Douglas C. Palmer, Clerk of Court

By: _____

Dated: 5-1-2018

AFFIX SEAL